GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:848
ANSWERED ON:28.04.2016
Setting up of New Courts
Ajmal Maulana Badruddin;Reddy,Kotha Prabhakar;Roy Prof. Saugata;Tharoor Dr. Shashi

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of proposals received by the Government for establishment of Bench of High Court at all the State Capitals including Thiruvananthapuram along with the action taken thereon, proposal-wise;

(b) the present status of progress made towards establishment of separate High Courts for the States of Andhra Pradesh and Telangana;

(c) the details of High Courts functioning in North-Eastern States along with the sanctioned/working strength of Judges therein;

(d) whether the Government proposes to establish High Court in those North-Eastern States which do not have their own High Court and if so, the details and the present status thereof; and

(e) whether the Government proposes to set up National Court of Appeal or Benches of Supreme Court in the country and if so, the details thereof?

Answer

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)
(a): In accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No. 379 of 2000, Bench(es) of the High Court are established after due consideration of a complete proposal from the State
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Government, which is to provide infrastructure and meet the expenditure, along with the consent of the Chief Justice of the concerned High Court, which is required to look after the day to day administration of the High Court and its Bench. The proposal should also have the consent of the Governor of the concerned State.

Requests for establishment of High Court Benches in different parts of the country have been received from various sources, including some State Governments. However, at present there is no proposal complete in all aspects pending for consideration by the Central Government.

The Chief Minister of Kerala had sent a request in the year 2005 for setting up a bench of Kerala High Court at Thiruvananthapuram. The Chief Justice of High Court of Kerala has not approved the establishment of the High Court Bench at Thiruvananthapuram.
(b) The Andhra Pradesh Reorganisation Act, 2014, provides for setting up of a separate High Court for the State of Andhra Pradesh. The Act also provides that once separate High Court for the State of Andhra Pradesh is established, the existing High Court will go to the State of Telangana. However, separate High Court for the State of Andhra Pradesh could not be established yet as the State Government has not yet completed all the necessary infrastructure for setting up of a separate High Court.

(c)and(d): Gauhati High Court is common High Court for the States of Assam, Nagaland, Mizoram & Arunachal Pradesh. Separate High Courts have been established w.e.f. 23.03.2013 in the States of Manipur, Meghalaya and Tripura. Separate High Courts for the States of Arunachal Pradesh, Nagaland and Mizoram have not been established because the State Governments has not completed creation of necessary infrastructure. A statement showing the detail of the High Courts functioning in North-Eastern States alongwith the sanctioned/working strength of Judges is enclosed as Annexure.

(e): Article 130 of the Constitution states that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint. The Law Commission, in its 229th Report had also suggested that a Constitutional Bench be set up at Delhi to deal with constitutional and other allied issues of national importance and four Cassation Benches be set up in the Northern region at Delhi, the Southern region at Chennai/Hyderabad, the Eastern region at Kolkata and Western region at Mumbai to deal with all appellate work arising out of the orders/judgments of the High Courts of the particular region. However, the Supreme court has not agreed to such a proposal. There is also a Public Interest Litigation being heard by the Supreme Court on the need to set up a National Court of Appeal. The matter is sub-judice.
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Annexure

Statement referred to in reply to parts (c) and (d) of Lok Sabha Unstarred Question No.848 to be answered on 28.04.2016

Sl. No.	High Court	Principal Seat	Jurisdiction	Sanctioned strength	Working strength
1	Gauhati	Guwahati	Assam, Nagaland, Mizoram, & Arunachal Pradesh.	24	14
2	Sikkim	Gangtok	Sikkim	03	02
3	Manipur	Imphal	Manipur	05	05
4	Meghalaya	Shillong	Meghalaya	04	02
5	Tripura	Agartala	Tripura	04	04

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